

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile Nos. CHTA-001-0001
CHTA-001-0002
CHTA-001-0003
CHTA-002-0001
CHTA-002-0002
CHTA-002-0003
CHTA-003-0001

ORDER MANDATING INITIAL DISCLOSURES

THIS ORDER is entered *sua sponte* by the Special Master following discussions with counsel for the State of New Mexico, ex rel. State Engineer (State) at the status conference held on November 6, 2006, at the United States District Court in Santa Fe, New Mexico, and discussions at the August 8, 2006, pretrial hearing conference in Tierra Amarilla, New Mexico.

The Special Master finds:

1. The Defendants listed below claim water rights in this proceeding:

a. CHTA-001-0001

John M. Sena
9709 Rio Grande NW
Albuquerque, NM 87114

Frank C. Sena
59 County Rd. 84
Santa Fe, NM 87506

b. CHTA-001-0002

Agripina G. Salazar
Victor Salazar, Sr.

	P.O. Box 324 Tierra Amarilla, NM 87575
c. CHTA-001-0003	Adan Garcia, Jr. P.O. Box 1284 Española, NM 87532
	Leroy Garcia P.O. Box 4416 Fairview, NM 87533
	Armando Garcia P.O. Box 4236 Fairview, N.M. 87533
	Samuel Garcia 1200 Calle Sombra Española, NM 87532
	Miguel Martinez c/o Mike Martinez P.O. Box 216 Alcalde, NM 87511
	Pamela Manzanares P.O. Box 1228 Española, NM 87532
	Donna Garcia P.O. Box 2056 Española, NM 87532
	Viola Chavez P.O. Box 1385 Española, NM 87532
	Joan Garcia 3700 Aspen NE, Apt. 3R Albuquerque, NM 87110
d. CHTA-002-0001	Ellis Gordan Schlegel P.O. Box 309 Tierra Amarilla, NM 87575

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| e. | CHTA-002-0002 | Acencion Labrier
HC 75 Box 24
Tierra Amarilla, NM 87575 |
| f. | CHTA-002-0003
CHTA-003-0001 | Estate of Carlota L. Martinez
c/o Frank A. Martinez
346 Forest Road 314
Jemez Springs, NM 87025 |

2. This matter has been pending before the Court since 2003 (*see* Order Setting Pretrial Conference entered May 14, 2003; Status Report filed by the State August 6, 2003; and Scheduling Order for Adjudication of Water Rights Priorities entered June 15, 2004).

3. Following a December 12, 2005, status conference with the Defendants, the Special Master entered a December 15, 2005, Scheduling Order (No. 8103) which required, among other things, that the parties exchange initial discovery disclosures by April 10, 2006.

4. The State filed a Motion for Stay May 15, 2006 (No. 8280), stating in part that as of that date, no Defendants had provided the State with any of the required disclosures. A stay of proceedings was ordered May 16, 2006 (No. 8283).

5. The Special Master held a pretrial hearing August 8, 2006 (No. 8315) and ordered Defendants and/or their attorneys to appear. The Special Master and Mr. Edward Newville, counsel for the State, discussed the initial disclosures requirement with the Defendants who appeared; and the Special Master requested that they provide the State with relevant items, and indicated that the stay of proceedings should be considered to be lifted with respect to the initial disclosures.

6. At the November 6, 2006, status conference, Mr. Newville reported that as of that date, no disclosures had been made by Defendants. Subsequently, during the conference, Mr. Schlegel, who claims water rights associated with Subfile No. CHTA-002-0001, hand-delivered a packet of

materials to Mr. Newville. The Special Master ordered that the May 16 stay be lifted with respect to initial disclosures.

IT IS ORDERED, therefore,


1. that the stay of proceedings issued May 16 is lifted with respect to initial disclosures, which consist of the identity of persons likely to have discoverable information and documents that the defendants may use to support their claims or defenses as required by paragraphs III (B) (1) and (2) of the Scheduling Order entered December 15, 2005 (No. 8103). Defendants shall provide this information and copies of these documents to counsel for the State no later than December 11, 2006.

2. that the failure of Defendants to provide initial disclosures to the State by December 11, 2006, or to contact Mr. Newville regarding any infirmity which prevents them from doing so by December 11, shall suffer a default judgment which incorporates the State's recommended disposition for their disputed water rights claims.

3. No later than December 19, 2006, counsel for the State shall file a brief status report on Defendants' compliance with this Order.

4. All other provisions of the Scheduling Order entered December 15, 2005, remain subject to the stay of proceedings issued May 16.

IT IS SO ORDERED.



VICKIE L. GABIN, SPECIAL MASTER